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April 24, 2002

Via Overnight Delivery and Electronic Mail

Mary L. Cottrell, Secretary
Department of Telecommunications and Energy
Commonwealth of Massachusetts
One South Station
Boston, MA 02110

Re: D.T.E. 98-57, Phase III

Dear Secretary Cottrell:

This letter addresses Verizon's position that the first office application of its digital subscriber line ("DSL") Packet at the Remote Terminal Service ("PARTS") equipment is a federal offering and that no further action is required by the Department in the above-referenced proceeding. To the contrary, the Department should determine that Verizon cannot deploy PARTS equipment to service retail customers until CLECs have a valid, effective state tariff under which they can access PARTS and offer competing retail services.

Covad disagrees with the notion that the Department does not have authority over facilities within the Commonwealth of Massachusetts that are used to provide interstate services pursuant to the Telecommunications Act of 1996. Verizon's argument that its retail PARTS service should be tariffed as a federal service ignores its wholesale obligations based on TELRIC principles.¹ State commissions have played a critical role in determining rates, terms and conditions associated with the national list of UNEs. The Department must continue to implement and enforce such UNE rules and, in this case, determine the legal rights to access PARTS equipment on an unbundled basis.²

¹ For example, the fact that interstate long distance services travel over a loop does not prevent the Department from establishing unbundled loop pricing.

² Indeed, section 251(d)(3) of the 1996 Act grants state commissions the authority to impose additional unbundling obligations upon incumbent LECs beyond those imposed by the national list, as long as they meet the requirements of section 251 and the national policy framework instituted by the FCC. *Implementation of the Local Competition Provisions in the Telecommunications Act of 1996*, Third Report and Order and Fourth

The host of public interest considerations merit consideration by the Department. The issues under review in this proceeding have been before this Department for almost two years. For Verizon to now argue that the Department does not have jurisdiction over this matter is unacceptable. Verizon's disregard for the Department's and other parties' substantial efforts and resources to date should be admonished.

Thank you for your attention to this matter.

Respectfully submitted,

Anthony Hansel
Senior Counsel

cc: Paula Foley, Hearing Officer
Jesse S. Reyes, Hearing Officer
Service List